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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

RICHARD LARRISON,

9 Plaintiff,

10 v.

11 OCEAN BEAUTY SEAFOODS, LLC, *et al.*,

12 Defendants.

CASE NO. C20-0906-RSM

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR LEAVE
TO AMEND COMPLAINT AND
ORDER TO SHOW CAUSE

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14 **I. INTRODUCTION**

15 This matter comes before the Court on Plaintiff Richard Larrison's Motion for Leave
16 to File Amended Complaint. Dkt. #34. Defendants Ocean Beauty Seafoods, LLC and
17 Retriever Tender Alaska (collectively, "Defendants") have not filed a response. For the
18 reasons set forth below, Plaintiff's unopposed motion is GRANTED. Given expiration of
19 case deadlines in this matter, Plaintiff is also ORDERED to show cause as set forth below.
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21 **II. BACKGROUND**

22 This matter was filed on December 18, 2019 in the U.S. District Court for the District
23 of Oregon. Dkt. #1. After a transfer to the U.S. District Court for the Western District of
24 Washington in June 2020, this matter was stayed pending Plaintiff's efforts to retain new
25 counsel. Dkt. #28. On May 3, 2021, this Court issued a revised scheduling order setting forth
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27 ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR LEAVE TO
AMEND COMPLAINT AND ORDER TO
SHOW CAUSE -- 1

1 deadlines for initial disclosures and parties' joint status report. Dkt. #31. Plaintiff filed a
2 Motion to Amend Complaint on May 14, 2021. Dkt. #34. There has been no activity in this
3 case since Plaintiff's motion, and parties' deadline to submit a joint status report expired on
4 June 14, 2021. Dkt. #31.

5 III. DISCUSSION

6 A. Legal Standard

7 Pursuant to Fed. R. Civ. P. 15(a)(2), a "court should freely give leave [to amend] when
8 justice so requires," Fed. R. Civ. P. 15(a)(2). Courts apply this policy with "extreme
9 liberality." *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051 (9th Cir. 2003). Five
10 factors are commonly used to assess the propriety of granting leave to amend: (1) bad faith,
11 (2) undue delay, (3) prejudice to the opposing party, (4) futility of amendment, and (5) whether
12 plaintiff has previously amended the complaint. *Allen v. City of Beverly Hills*, 911 F.2d 367,
13 373 (9th Cir. 1990); *Foman v. Davis*, 371 U.S. 178, 182 (1962). In conducting this five-factor
14 analysis, the court must grant all inferences in favor of allowing amendment. *Griggs v. Pace*
15 *Am. Group, Inc.*, 170 F.3d 877, 880 (9th Cir. 1999). In addition, the court must be mindful of
16 the fact that, for each of these factors, the party opposing amendment has the burden of
17 showing that amendment is not warranted. *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183,
18 187 (9th Cir. 1987); *see also Richardson v. United States*, 841 F.2d 993, 999 (9th Cir. 1988).

19 This matter has been pending since December 2019, without significant process by
20 parties. Nevertheless, given that Plaintiff's motion for leave to amend is unopposed, the Court
21 cannot find that Plaintiff's motion was in bad faith, would create undue delay, would prejudice
22 Defendants, or that amendment would be futile. Furthermore, this is Plaintiff's first effort to
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1 amend his complaint. For these reasons, the Court GRANTS Plaintiff's Motion for Leave to
2 File Amended Complaint, Dkt. #34.

3 **B. Order to Show Cause**

4 Following Plaintiff's motion filed on May 14, 2021, there has been no activity in this
5 case. Parties' deadline to file a joint status report expired on June 14, 2021. The Court needs
6 to hear from Plaintiff on this issue. In Response to this Order, Plaintiff is directed to write a
7 short statement explaining why this matter should not be dismissed for failure to prosecute.
8 This Response shall not exceed **six (6)** pages. Accordingly, the Court hereby finds and
9 ORDERS that Plaintiff shall file a Response to this Order to Show Cause containing the detail
10 above no later than **fourteen (14) days** from the date of this Order. Plaintiff's failure to file
11 this Response will result in dismissal of this case.
12

13 **IV. CONCLUSION**

14 Accordingly, the Court hereby finds and ORDERS:

15 (1) Plaintiff's Motion for Leave to Amend, Dkt. #34, is GRANTED;

16 (2) Plaintiff is ORDERED to show cause containing the detail above no later than
17 fourteen (14) days from the date of this Order.
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20 DATED this 28th day of June, 2021.

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24 RICARDO S. MARTINEZ
25 CHIEF UNITED STATES DISTRICT JUDGE
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27 ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR LEAVE TO
AMEND COMPLAINT AND ORDER TO
SHOW CAUSE -- 3

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ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR LEAVE TO
AMEND COMPLAINT AND ORDER TO
SHOW CAUSE -- 4